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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/840,026	05/05/2004	Kenneth Rambo	020366-091910US	7767
20350 7590 09/18/2008 TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834				
EXAMINER HICKS, CHARLES N				
ART UNIT 2623		PAPER NUMBER		
MAIL DATE 09/18/2008		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/840,026

**Applicant(s)**

RAMBO, KENNETH

**Examiner**

CHARLES N. HICKS

**Art Unit**

2623

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 17-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 17-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 May 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8500)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date 9/7/2004, 5/30/2008, 8/21/2008

### DETAILED ACTION

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 17-24, and 26-29 are rejected under 35 U.S.C. 102(e) as being anticipated by McKissick (US 2007/0124795 A1), hereinafter referred to as McKissick.

3. Regarding claim 17, McKissick discloses a display system for use in a communications network, comprising: a display device (**fig. 1, pg. 3, paragraphs 52-53**);

and plural display windows at the display device, the plural windows for simultaneously displaying multiple content, wherein a first display window is for displaying a broadcast television program and wherein a second display window is for displaying content from an instant messaging (IM) application, so that IM content in the form of a message may be displayed at the second window, such message concerning the television program displayed on the first window (**fig. 4, pg. 6, paragraphs 80-81**).

4. Regarding claim 18, McKissick discloses the display system wherein the broadcast television program is provided over one of a plurality of selectable television

channels, and wherein the display device is a television screen (**fig. 1, pg. 3-4, paragraph 57**).

5. Regarding claim 19, McKissick discloses the display system wherein the instant messaging content further comprises: a personal ID associated with a user of the IM application (**fig. 5-6, pg. 7, paragraphs 87-89**).

6. Regarding claim 20, McKissick discloses the display system wherein the user is remote from the display system (**fig. 1, pg. 5, paragraph 69**).

7. Regarding claim 21, McKissick discloses the display system wherein the instant messaging content further comprises a program ID for identifying a broadcast television program being viewed by the remote user (**fig. 2-4, pg. 6, paragraphs 77-79 wherein the program to be discussed is identified in the message**).

8. Regarding claim 22, McKissick discloses the display system wherein the instant messaging content further comprises a message sent from the remote user to a user at the display system (**fig. 2-4, pg. 6, paragraph 79**).

9. Regarding claim 23, McKissick discloses the display system wherein the instant managing content further comprises a message sent from the user viewing the television program at the display device (**fig. 2-4, pg. 6, paragraph 79**).

10. Regarding claim 24, McKissick discloses the display system wherein the communications network has multiple users each having a display device, wherein the communications network includes a server storing instant messaging content for display at the display device, and wherein the server may be used to aggregate instant messaging content from the multiple users, whereby video programming activity by multiple users can be tracked at the server (**fig. 2-4, pg. 6, paragraphs 79-80**).

11. Regarding claim 26, McKissick discloses the display system wherein the television program is provided to the display system by a satellite television service (**fig. 1, pg. 3, paragraph 52**).

12. Regarding claim 27, McKissick discloses the display system wherein the television program is provided to the display system by a cable television service (**fig. 1, pg. 3, paragraph 52**).

13. Regarding claim 28, McKissick discloses in a communications network having a plurality of users and a user interface device associated with each user, the user interface device comprising: display means (**fig. 1, pg. 3, paragraphs 52-53**);

and means for simultaneously displaying multiple content to a viewer at the display means, including first window means for displaying television programming content at a first display window at said display means, and second window means for

simultaneously displaying content from an instant messaging (IM) application at a second window at said display means, so that both a television program and IM messages concerning the television program may be displayed simultaneously at the display means (**fig. 4, pg. 6, paragraphs 80-81**).

14. Regarding claim 29, McKissick discloses a method for displaying content to users in a communications network, comprising: displaying content at a display device associated with each user (**fig. 3, pg. 6, paragraphs 76-77**);

and providing plural windows at the display device, with a first window displaying television programming and a second window for simultaneously displaying instant messaging messages concerning the television programming (**fig. 4, pg. 6, paragraphs 80-81**).

#### ***Claim Rejections - 35 USC § 103***

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over McKissick.

17. Regarding claim 25, McKissick fails to disclose the display system wherein the television program is provided to the display system by a VDSL service. However Official Notice is taken due to the fact that a display system wherein the television program is provided to the display system by a VDSL service is extremely well know in the art of interactive video distribution systems and provides excellent bandwidth.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Chane (US 2003/0084449 A1) discloses interactive user interface for television applications. Cooper (US 2002/0184634 A1) discloses television rides presented to a viewer using a display device and a set top box.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHARLES N. HICKS whose telephone number is (571)270-3010. The examiner can normally be reached on M-F 7:30AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chris Kelley/  
Supervisory Patent Examiner, Art  
Unit 2623

CNH